THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.22458 OF 2005

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Dt: 10.11. 2005

Between:

Anna Kalpana

.. Petitioner

AND

The Vice-Chancellor,

Nagarjuna University,

Nagarjuna Nagar, Guntur.

.. Respondent

ORDER:

Petitioner is a student of III year engineering in the

2nd respondent College. She was not permitted to appear in the first semester examination, on the ground that there is a shortage of attendance. When the writ petition came up for admission on 17.10.2005, an interim order was passed to the effect that, in case the shortage of attendance is less than 10% of the requisite extent, she shall be permitted to take the first semester examination, subject to further orders that may be passed in the writ petition. Pursuant to the interim orders, the petitioner was permitted to appear in the examination.

The University as well as the 2nd respondent filed counter affidavits. The gist of their contentions is that the attendance of the petitioner is only 51% as against the minimum of 75%, and that she did not secure the minimum marks of 50% in the internal examinations. The petitioner filed a reply affidavit denying both the allegations. One of the contentions is that the attendance is used to be marked with

pencil and that it used to be erased indiscriminately. As regards internal marks, the petitioner states that to the extent they were informed to her by the College, she secured 116 marks out of 225.

Heard learned counsel for the petitioner, learned standing counsel for the University and learned counsel for the

2nd respondent-College.

During the course of arguments, learned counsel for the College has seriously disputed the assertions made by the petitioner in the affidavit filed in support of the writ petition as well as reply affidavit. Learned standing counsel for the University submits that his client acted on the basis of the information furnished by the College.

In the teeth of the allegations and counter allegations, this Court cannot record any finding. While it is always for the academic institutions to describe rules and maintain records, their obligation to be fair and reasonable cannot be discarded or ignored. As of now, the petitioner has already appeared in the examination. If the contention advanced on behalf of the College is to be accepted on its face value, her appearance in the examination goes waste and she has to loose one year of study. Before such extreme situation is made to be confronted by her, the University may be required to verify the veracity of the allegations made by the petitioner.

For the foregoing reasons, the writ petition is disposed of directing the Controller of Examinations of the 1st respondent University to verify the attendance particulars as well as the internal marks of the petitioner, duly procuring the record from the

2nd respondent College and to give his findings on both the aspects before the results of the first semester of III year are declared. If it is found that the petitioner has requisite attendance and minimum marks in the internal examination, her result in the first semester of the III year shall be declared. On the other hand, if it emerges that she is not qualified of any of those aspects, her appearance in the said examination shall not enure to her benefit. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:10.11.2005

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